



General Assembly

January Session, 2013

***Raised Bill No. 1071***

LCO No. 4133



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING ADDITIONAL FUNDING FOR THE CRIMINAL INJURIES COMPENSATION FUND.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013, and applicable to sales*  
2 *occurring on or after said date*) As used in sections 1 to 12, inclusive, of  
3 this act, unless the context otherwise requires:

4 (1) "Person" means any individual, firm, fiduciary, partnership,  
5 corporation, limited liability company, trust or association, however  
6 formed;

7 (2) "Firearm" means a firearm, as defined in section 53a-3 of the  
8 general statutes;

9 (3) "Firearm manufacturer" means any person in this state engaged  
10 in the business of manufacturing more than fifty firearms in a calendar  
11 year for purposes of sale or distribution, whether such sale or  
12 distribution is made directly to a consumer or through a distributor,  
13 dealer, wholesaler or similar intermediary or intermediaries;

14 (4) "Firearm importer" means any person engaged in the business of  
15 importing, bringing or shipping more than fifty firearms into the state  
16 in a calendar year for purposes of sale or distribution, whether such  
17 sale or distribution is made directly to a consumer or through a  
18 distributor, dealer, wholesaler or similar intermediary or  
19 intermediaries; and

20 (5) "Sale" or "sell" includes or applies to gifts, exchanges and barter.

21 Sec. 2. (NEW) (*Effective October 1, 2013, and applicable to sales*  
22 *occurring on or after said date*) (a) Every firearm manufacturer shall  
23 make an application to the Commissioner of Revenue Services, on  
24 forms to be prescribed and furnished by the commissioner, for a  
25 firearm manufacturer's license. Every firearm importer shall make an  
26 application to the commissioner, on forms to be prescribed and  
27 furnished by the commissioner, for a firearm importer's license. The  
28 fee for a firearm manufacturer's license or a firearm importer's license  
29 shall be two thousand five hundred dollars and any such license shall  
30 be valid for a period beginning with the date of license to the thirtieth  
31 day of September next succeeding the date of license, unless sooner  
32 revoked by the commissioner as provided in subsection (f) of this  
33 section, or unless the person to whom such license was issued  
34 discontinues business, in either of which event the holder of the license  
35 shall immediately return it to the commissioner. A firearm  
36 manufacturer's license and a firearm importer's license shall be  
37 renewed annually. In the event of mutilation or destruction of such  
38 license, a duplicate copy, marked as such, shall be issued by the  
39 commissioner upon application accompanied by a fee of fifteen  
40 dollars.

41 (b) The commissioner may, in the commissioner's discretion, refuse  
42 to issue a license if the commissioner has reasonable ground to believe  
43 that the firearm manufacturer or firearm importer: (1) Has wilfully  
44 made any false statement of substance with respect to an application  
45 for a license; (2) has neglected to pay any taxes due to this state; (3) has

46 not obtained any license required by federal law to carry on such a  
47 business; or (4) has been convicted of violating any law related to the  
48 possession, use, manufacture, importation, sale, transfer or delivery of  
49 a firearm, or of violating any other law that the commissioner  
50 reasonably believes renders the firearm manufacturer or firearm  
51 importer unsuitable to be issued a license.

52 (c) Before the commissioner issues a license pursuant to subsection  
53 (a) of this section, the commissioner shall require such firearm  
54 manufacturer or firearm importer, as the case may be, to annually file  
55 with the commissioner a bond issued by a surety company authorized  
56 to do business in this state or other security acceptable to the  
57 commissioner, in such amount as the commissioner may fix, to secure  
58 the payment of any sums due from such firearm manufacturer or  
59 firearm importer pursuant to the provisions of sections 1 to 12,  
60 inclusive, of this act. Such bond or other security shall remain in full  
61 force and effect for a period of three years and one month following  
62 the end of such year, unless a certificate is issued by the commissioner  
63 to the effect that all taxes due the state have been paid.

64 (d) No person, except a licensed firearm manufacturer, shall  
65 manufacture more than fifty firearms in the state in a calendar year for  
66 purposes of sale or distribution. No person, except a licensed firearm  
67 importer, shall import, bring or ship more than fifty firearms into the  
68 state in a calendar year for purposes of sale or distribution.

69 (e) Any person who violates any provision of this section shall be  
70 fined not more than one thousand dollars and imprisoned not more  
71 than one year or both for each offense.

72 (f) (1) The commissioner may suspend or revoke the license of any  
73 firearm manufacturer or firearm importer for failure to comply with  
74 any of the provisions of sections 1 to 12, inclusive, of this act or  
75 regulations related thereto, following a hearing with respect to which  
76 notice, in writing, specifying the time and place of such hearing and

77 requiring such firearm manufacturer or firearm importer to show  
78 cause why such license should not be suspended or revoked, is mailed  
79 or delivered to such firearm manufacturer or firearm importer not less  
80 than ten days preceding the date of such hearing. Such notice may be  
81 served personally or by registered or certified mail.

82 (2) The commissioner shall not issue a new license to a firearm  
83 manufacturer or firearm importer whose license is revoked unless the  
84 commissioner is satisfied that such firearm manufacturer or firearm  
85 importer will comply with the provisions of sections 1 to 12, inclusive,  
86 of this act and regulations related thereto.

87 Sec. 3. (NEW) (*Effective October 1, 2013, and applicable to sales*  
88 *occurring on or after said date*) Each firearm manufacturer shall pay a tax  
89 to the state on all sales of firearms manufactured in the state, and each  
90 firearm importer shall pay a tax to the state on all sales of firearms  
91 imported into the state. Such tax shall be ten dollars for each  
92 manufactured or imported firearm sold.

93 Sec. 4. (NEW) (*Effective October 1, 2013, and applicable to sales*  
94 *occurring on or after said date*) Each firearm manufacturer and firearm  
95 importer shall, on or before the last day of each month, file with the  
96 Commissioner of Revenue Services a return, on forms to be prescribed  
97 and furnished by the commissioner and signed under penalty of false  
98 statement by its treasurer or an authorized agent or officer, showing,  
99 for the preceding calendar month or any portion thereof during which  
100 such taxpayer was a firearm manufacturer or firearm importer: (1) The  
101 total number of firearms manufactured or imported by such taxpayer  
102 that were sold during such calendar month, or portion thereof; (2) the  
103 amount of tax payable for such calendar month, or portion thereof, as  
104 provided in section 3 of this act; and (3) such additional information as  
105 the commissioner requires for the proper administration of sections 1  
106 to 12, inclusive, of this act.

107 Sec. 5. (NEW) (*Effective October 1, 2013, and applicable to sales*

108 *occurring on or after said date*) The tax imposed by sections 1 to 12,  
109 inclusive, of this act shall be due and payable on the last day on which  
110 a return may be filed without penalty under section 4 of this act. Upon  
111 the filing of such return, the taxpayer shall forward to the  
112 Commissioner of Revenue Services the amount shown by such return  
113 to be due the state. If any person fails to pay such amount within the  
114 time required, there shall be imposed a penalty equal to ten per cent of  
115 such amount of tax due and unpaid or one hundred dollars, whichever  
116 is greater. The tax shall bear interest at the rate of one per cent per  
117 month or fraction thereof, from the due date of such tax to the date of  
118 payment. If no return has been filed within three months after the time  
119 specified under the provisions of sections 1 to 12, inclusive, of this act,  
120 the commissioner may make such return at any time thereafter,  
121 according to the best information obtainable. There shall be added to  
122 the tax imposed upon the basis of such return an amount equal to ten  
123 per cent of such tax or one hundred dollars, whichever is greater. The  
124 tax shall bear interest at the rate of one per cent per month or fraction  
125 thereof from the date such tax was due to the date of payment. Subject  
126 to the provisions of section 12-3a of the general statutes, the  
127 commissioner may waive all or part of the penalties provided under  
128 sections 1 to 12, inclusive, of this act when it is proven to the  
129 commissioner's satisfaction that the failure to pay any tax was due to  
130 reasonable cause and was not intentional or due to neglect.

131       Sec. 6. (NEW) (*Effective October 1, 2013, and applicable to sales*  
132 *occurring on or after said date*) The amount of any tax due and unpaid  
133 under the provisions of sections 1 to 12, inclusive, of this act may be  
134 collected under the provisions of section 12-35 of the general statutes.  
135 The warrant provided for in said section shall be signed by the  
136 Commissioner of Revenue Services or his or her authorized agent. The  
137 amount of any such tax shall be a lien, from the last day of the tax  
138 period until discharged by payment, against all real estate of the  
139 taxpayer within the state and a certificate of lien signed by the  
140 commissioner may be filed for record in the office of the clerk of any

141 town in which such real estate is situated, provided no such lien shall  
142 be effective as against any bona fide purchaser or qualified  
143 encumbrancer of any interest in any such property. When any tax with  
144 respect to which a lien has been recorded under the provisions of this  
145 section has been satisfied, the commissioner, upon request of any  
146 interested party, shall issue a certificate discharging such lien, which  
147 certificate may be recorded in the same office in which the lien was  
148 recorded. Any action for the foreclosure of such lien shall be brought  
149 by the Attorney General in the name of the state in the superior court  
150 for the judicial district in which the property subject to such lien is  
151 situated, or, if such property is situated in two or more judicial  
152 districts, in the superior court for any one such judicial district, and the  
153 court may limit the time for redemption or order the sale of such  
154 property or make such other or further decree as it judges equitable. If  
155 any taxpayer sells or transfers his or her business in whole or in part,  
156 the purchaser shall be liable and, in the case of two or more  
157 purchasers, each of them shall be jointly and severally liable, with the  
158 former owner, for the payment of the tax.

159       Sec. 7. (NEW) (*Effective October 1, 2013, and applicable to sales*  
160 *occurring on or after said date*) As soon as practicable after each return  
161 has been filed, the Commissioner of Revenue Services shall examine it  
162 and compute and determine the amount of the tax payable thereon. If  
163 it should appear then or thereafter within three years, as a result of  
164 such examination or as a result of any examination of the records of  
165 the taxpayer or of any other inquiry or investigation provided for  
166 under sections 1 to 12, inclusive, of this act, that the correct amount of  
167 tax is greater or less than that shown on the return, the tax shall be  
168 recomputed and corrected accordingly and notices of such correction  
169 shall be delivered or mailed forthwith to the taxpayer. When it appears  
170 that any part of the deficiency for which a deficiency assessment is  
171 made is due to negligence or intentional disregard of the provisions of  
172 sections 1 to 12, inclusive, of this act or regulations adopted  
173 thereunder, there shall be imposed a penalty equal to ten per cent of

174 the amount of such deficiency assessment or one hundred dollars,  
175 whichever is greater. When it appears that any part of the deficiency  
176 for which a deficiency assessment is made is due to fraud or intent to  
177 evade the provisions of sections 1 to 12, inclusive, of this act or  
178 regulations adopted thereunder, there shall be imposed a penalty  
179 equal to twenty-five per cent of the amount of such deficiency  
180 assessment. No taxpayer shall be subject to more than one penalty  
181 under this section in relation to the same tax period. Each addition to  
182 the amount shown to be payable by any taxpayer for any period,  
183 including the amount of any penalty and interest imposed under this  
184 section, shall be payable not later than thirty days after the mailing of  
185 notice thereof in cash or by check, draft or money order drawn to the  
186 order of the Commissioner of Revenue Services. The amount of the  
187 deficiency shall bear interest at the rate of one per cent per month or  
188 fraction thereof from the date when the original tax was due and  
189 payable. In case of payment by any taxpayer under sections 1 to 12,  
190 inclusive, of this act of any amount in excess of any tax lawfully due,  
191 through clerical error or by reason of any reduction of the amount of  
192 tax by action of the commissioner or by court action on appeal,  
193 discovery thereof being made not later than three years from the date  
194 of payment of the tax, the excess payment may, in the discretion of the  
195 commissioner, be credited on the amount of tax due from the same  
196 taxpayer for any prior tax period, or be retained and credited against  
197 the tax payable for any ensuing tax period, or be refunded to the  
198 taxpayer by the State Treasurer, upon order of the Comptroller.

199       Sec. 8. (NEW) (*Effective October 1, 2013, and applicable to sales*  
200 *occurring on or after said date*) The Commissioner of Revenue Services  
201 shall have power, when the commissioner deems it expedient, to  
202 make, or cause to be made by his or her deputy, auditors or  
203 investigators, an examination or investigation of the books, records,  
204 papers, vouchers, accounts, documents and premises of any firearm  
205 manufacturer or firearm importer for the purpose of administering the  
206 provisions of sections 1 to 12, inclusive, of this act. Each such firearm

207 manufacturer and firearm importer and each director, officer, agent or  
208 employee of each such firearm manufacturer or firearm importer, shall  
209 exhibit to the commissioner, his or her deputy, auditors or  
210 investigators all of the books, records, papers, vouchers, accounts,  
211 documents and premises of such person to facilitate any such  
212 examination or investigation.

213       Sec. 9. (NEW) (*Effective October 1, 2013*) Each firearm manufacturer  
214 and firearm importer shall keep complete and accurate records of all  
215 firearms purchased, sold, transferred, delivered, manufactured, stored,  
216 warehoused, imported or transported within this state. Such records  
217 shall be of such kind and in such form as the Commissioner of  
218 Revenue Services may prescribe and shall be safely preserved for three  
219 years in such a manner as to ensure permanency and accessibility for  
220 inspection by the commissioner or by his or her authorized employee.  
221 If any taxpayer fails to keep books of account or other documentary  
222 evidence from which a proper determination of the tax due may be  
223 made, the commissioner may fix the amount of tax for any period from  
224 the best information obtainable by the commissioner, and the amount  
225 so fixed shall be paid as though it had been computed on a return filed  
226 by the taxpayer under the provisions of sections 1 to 12, inclusive, of  
227 this act and shall be presumed to be the correct amount due the state  
228 unless amended or corrected by the commissioner.

229       Sec. 10. (NEW) (*Effective October 1, 2013, and applicable to sales*  
230 *occurring on or after said date*) Any person aggrieved by the action of the  
231 Commissioner of Revenue Services, or the commissioner's authorized  
232 agent, in fixing the amount of any tax or imposing any penalty as  
233 provided in sections 1 to 12, inclusive, of this act may apply to the  
234 commissioner, in writing, not later than sixty days after the notice of  
235 such action was mailed to such person, for a hearing and a correction  
236 of the amount of the tax or penalty, setting forth the reasons why a  
237 hearing should be granted and the amount by which such tax should  
238 be reduced. The commissioner shall promptly consider each such  
239 application and may grant or deny the hearing requested. If the

240 hearing is denied, the applicant shall be notified as soon as practicable,  
241 and if it is granted, the commissioner shall notify the applicant of the  
242 time and place of such hearing. After such hearing, the commissioner  
243 may make such order as appears just and lawful and shall furnish a  
244 copy of such order to the applicant. The commissioner may, by notice  
245 in writing, at any time not later than three years after the date when  
246 any return of any taxpayer has been due, order a hearing on his or her  
247 own initiative and require the taxpayer or any other individual whom  
248 the commissioner believes to be in possession of information  
249 concerning any manufacture, importation or sale of firearms which  
250 have escaped taxation to appear before the commissioner or his or her  
251 authorized agent with any specified books of account, papers or other  
252 documents, for examination.

253       Sec. 11. (NEW) (*Effective October 1, 2013, and applicable to sales*  
254 *occurring on or after said date*) Any taxpayer aggrieved because of any  
255 decision, order, determination or disallowance of the Commissioner of  
256 Revenue Services under the provisions of sections 1 to 12, inclusive, of  
257 this act may, not later than one month after service upon such taxpayer  
258 of notice of such decision, order, determination or disallowance, take  
259 an appeal therefrom to the superior court for the judicial district of  
260 New Britain, which shall be accompanied by a citation to the  
261 Commissioner of Revenue Services to appear before said court. Such  
262 citation shall be signed by the same authority and such appeal shall be  
263 returnable at the same time and served and returned in the same  
264 manner as is required in case of a summons in a civil action. The  
265 authority issuing the citation shall take from the appellant a bond or  
266 recognizance to the state of Connecticut, with surety to prosecute the  
267 appeal to effect and to comply with the orders and decrees of the court  
268 in the premises. Such appeals shall be preferred cases, to be heard,  
269 unless cause appears to the contrary, at the first session, by the court or  
270 by a committee appointed by the court. Said court may grant such  
271 relief as may be equitable and, if such tax has been paid prior to the  
272 granting of such relief, may order the Treasurer to pay the amount of

273 such relief, with interest at the rate of two-thirds of one per cent per  
274 month or fraction thereof, to the aggrieved taxpayer. If the appeal has  
275 been taken without probable cause, the court may tax double or triple  
276 costs, as the case demands and, upon all such appeals which are  
277 denied, costs may be taxed against the appellant at the discretion of the  
278 court, but no costs shall be taxed against the state.

279 Sec. 12. (NEW) (*Effective October 1, 2013, and applicable to sales*  
280 *occurring on or after said date*) The administration of sections 1 to 12,  
281 inclusive, of this act is vested in the Commissioner of Revenue  
282 Services. All forms necessary and proper for the enforcement of  
283 sections 1 to 12, inclusive, of this act shall be prescribed and furnished  
284 by the commissioner. The commissioner may require any agent, clerk,  
285 stenographer or other assistant to execute a bond in such sum as said  
286 commissioner determines for the faithful discharge of his or her duties.  
287 The commissioner may prescribe regulations and rulings, not  
288 inconsistent with law, to carry into effect the provisions of sections 1 to  
289 12, inclusive, of this act.

290 Sec. 13. Subsection (b) of section 54-215 of the general statutes is  
291 repealed and the following is substituted in lieu thereof (*Effective*  
292 *October 1, 2013*):

293 (b) The cost paid into court under section 54-143 shall be deposited  
294 in the General Fund and shall be credited to and become a part of the  
295 Criminal Injuries Compensation Fund. Any restitution collected by the  
296 Court Support Services Division pursuant to section 46b-140, 53a-30 or  
297 54-56e which is not disbursed within five years after the date such  
298 restitution is collected, because the victim could not be located, shall be  
299 deposited in the Criminal Injuries Compensation Fund. Any restitution  
300 collected pursuant to section 46b-140 or 54-56e on or before May 8,  
301 1997, that has not been disbursed as of October 1, 2003, shall be  
302 deposited in the fund. If payment is awarded under section 54-210 and  
303 thereafter the court orders the defendant in the criminal case from  
304 which such injury or death resulted to make restitution, any money

305 collected as restitution shall be paid to the fund unless the court directs  
 306 otherwise. Any moneys collected pursuant to sections 1 to 12,  
 307 inclusive, of this act shall be deposited in the Criminal Injuries  
 308 Compensation Fund. The Office of Victim Services may apply for and  
 309 receive moneys for the fund from any federal, state or private source.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 2	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 3	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 4	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 5	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 6	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 7	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 8	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section

Sec. 9	<i>October 1, 2013</i>	New section
Sec. 10	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 11	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 12	<i>October 1, 2013, and applicable to sales occurring on or after said date</i>	New section
Sec. 13	<i>October 1, 2013</i>	54-215(b)

**Statement of Purpose:**

To create an additional source of funding for the Criminal Injuries Compensation Fund by collecting a tax from firearm manufacturers and firearm importers for the sale of each firearm manufactured in or imported into the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*